

Amendments to the Drawings:

The attached replacement drawing sheets clarify Figs. 1-11 and replace the original sheets with Figs. 1-11.

Attachment: Replacement Sheets.

REMARKS

Claims 1-5, 7-20 and 22-25 are pending in this application. By this Amendment, the drawings and claims 1, 7, 16 and 22-25 are amended. The amendments introduce no new matter. Claims 6 and 21 are canceled without prejudice to, or disclaimer of, the subject matter recited in those claims. Reconsideration of the application based on the above amendments and the following remarks is respectfully requested.

The Office Action objects to the drawings based on poor contrast. The drawings are amended with the inclusion of the attached replacement drawing sheets to provide better contrast. Withdrawal of the objection to the drawings is respectfully requested.

The Office Action rejects claims 1-25 under 35 U.S.C. §101. Without conceding the propriety of this rejection, and solely to advance prosecution of this application, Applicant voluntarily amends claims 1 and 16 to recite, among other features, evaluating a performance of the at least one machine operator based on the at least one calculated performance indicator. Evaluating the performance of a machine operator represents a tangible, real-world result in accordance with 35 U.S.C. §101. Further, Applicants assert that at least claims 2, 3, 20, 22 and 23 recite independently tangible, real-world results under 35 U.S.C. §101, as well. Accordingly, reconsideration and withdrawal of the rejection of the pending claims under 35 U.S.C. §101 are respectfully requested.

The Office Action rejects claims 1-5, 8-11, 14 and 15 under 35 U.S.C. §103(a) over U.S. Patent Application Publication No. 2002/0116156 to Remboski et al. (hereinafter "Remboski"), in view of U.S. Patent Application Publication No. 2005/0159851 to Engstrom et al. (hereinafter "Engstrom"); rejects claim 12 under 35 U.S.C. §103(a) over Remboski and Engstrom in view of U.S. Patent No. 6,134,541 to Castelli et al. (hereinafter "Castelli"); rejects claim 13 under 35 U.S.C. §103(a) over Remboski and Engstrom in view of U.S. Patent No. 6,137,909 to Greineder et al. (hereinafter "Greineder"); and rejects claims 16-25 under 35

U.S.C. §103(a) over Remboski in view of U.S. Patent No. 6,795,799 to Deb et al. (hereinafter "Deb") and Engstrom. These rejections are respectfully traversed.

Claims 1 and 16 are amended to include, among other features, the subject matter of now-canceled claim 6. The incorporation of these features obviates the prior art rejections of the Office Action, none of which addressed claim 6. Additionally, as now-canceled claim 6 was not rejected over any combination of the applied prior art references, Applicant understands that the subject matter recited in now-canceled claim 6 was considered as allowable over the applied prior art references.

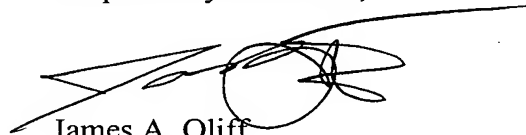
For at least the above reasons, the applied prior art references cannot reasonably be considered to teach, or to have suggested, the combinations of features positively recited in independent claims 1 and 16. Additionally, claims 2-5, 7-15, 17-20 and 22-25 are also neither taught, nor would they have been suggested, by the applied prior art references for at least the respective dependence of these claims, directly or indirectly, on allowable independent claims 1 and 16, as well as for the separately patentable subject matter that each of these claims recites.

Accordingly, reconsideration and withdrawal of the rejection of claims 1-5, 7-20 and 22-25 over any combination of the applied prior art references are respectfully requested.

In view of the foregoing, it is respectfully submitted that this application is in condition for allowance. Favorable reconsideration and prompt allowance of claims 1-5, 7-20 and 22-25 are earnestly solicited.

Should the Examiner believe that anything further would be desirable in order to place this application in even better condition for allowance, the Examiner is invited to contact the undersigned at the telephone number set forth below.

Respectfully submitted,



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JAO:JEG/hms

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Attachments:

Replacement Sheets (Figs. 1-11)

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